

TO: Individuals assigned to investigate or communicate instances of violation of the Noise Control Act at the Environmental Protection Agency

FROM: Citizens Harmed by Deceptive Disclosure [www.disclosuredeception.wordpress.com](http://www.disclosuredeception.wordpress.com)

The worst noise imaginable, at over twice the level of physical ear pain, is experienced routinely by citizens living 250 feet below Growler jets in the crash zones surrounding the OLF Coupeville, part of the Naval Air Station Whidbey Island, north of Seattle, Washington. The County adopted a noise ordinance in 1992, requiring the use of a disclosure form that informed buyers of 100+ decibel level noise, a military jet installation, notice planes fly day and night, provided a map of the flight paths, and County and Navy numbers to call for additional information.

In 2001, the NWMLS (realtor attorneys) chose to drop the legally required form, replacing it with a disclosure statement taken from the builders ordinance that included no jet noise information at all. It is brief and misleading form for home buyers, because it was intended for builders, leaving buyers confused. The result was that buyers were shocked by life under the jets, but feeling they had no recourse except to move, because they had signed a "disclosure." How could they imagine the disclosure was illegal?

This misleading disclosure has trapped citizens by not giving them the noise information needed to choose a home away from the roar of the jets. The Navy and County have just learned of the deception, and although the realtors defended their position in an arrogant manner, they have drafted a new disclosure that will include the substance of the legal disclosure in Island County.

But that is no remedy for the buyers who have been deceived, suffered with the jets for years, and now their property values will tank. The new disclosure will alarm future buyers enough to find the noise is 8 times louder than was disclosed in 1992 (noise doubles with every 10 decibel increase), and properties under the jet paths will be very difficult to sell.

Buyers have had noise hidden from them in Island County for 11 years. The County has failed to designate the crash zones on either side of the runway, and building is still occurring in the densely populated development called Admiral's Cove, most of which is in the crash zone. Buyers have no way of knowing. There is no disclosure of crash zones because none have been designated.

This information is documented at [www.disclosuredeception.wordpress.com](http://www.disclosuredeception.wordpress.com). It outlines the deception, how it occurred, stories written by people trapped under the jets, Internet harassment that is continual because the "they were told" has been the weapon of choice for Pro Navy people fighting to support the economy, the reactions of realtors when their deception was revealed at a commissioners meeting, the crash zone issue, and articles written in the Seattle Times and local newspapers. The site will expand as attorneys are being interviewed for the class action lawsuit against the National Association of Realtors. The County may be responsible for adopting the 2002 disclosure and failure to designate the crash zones. The Navy "supported and recommended" the noise ordinance that contained the stripped disclosure statement used by realtors.

Red flags have been thrown for months, ignored by the county, Navy, and government representatives. It has been much easier for these entities to use the "they were told" excuse to ignore citizens suffering harm, living a life that can never be normal. People in the noise zone are desperate for recognition of their suffering and a remedy to this ridiculous situation. It has all of the right elements to make it national news.

Jet flights had been suspended for 6 months because of other citizen action, but they have resumed, causing news stations to begin scheduling interviews. It is important to include support that might come from the EPA in prosecuting the offenders in news coverage. People are trapped in homes they would not have purchased. Failure to disclose under these circumstances is much worse than the non-disclosure of mold or chemicals because the only remedy is a move requiring tens of thousands of dollars, months of time, and family stress reorganizing family life – jobs, schools, child care – in another location.

The jet noise is 134+ decibels at my home and the planes fly over at 250 feet. I see the jets through my skylight. The Supreme Court ruled in Causby a "taking", because jets flew over a farm at 115 decibels, and the chickens killed themselves by flapping against the sides of their coop. Because this has been going on for so long, it seems the Navy has an easement to do what they want (see Argent). An email to the Base Commander, Captain Nortier, questioning him about the easement resulted in a reply from the Navy Liaison that there is no easement. It would require a court case to determine if the easement declared in Argent would apply where I live. This easement is not disclosed in title searches because it is not recorded. This is like living on an aircraft carrier, with no shore leave, and no retirement elsewhere. How can this happen in America?

Please respond. It is important for there to be some record of EPA action. I have contacted the EPA previously, but have received no response. Please do not add the EPA to the list of people who should protect, but do not. There are thousands of people who were "trapped, not told," wondering what the EPA can and will do.

(b) (6)

**Somers, Elaine**

**From:** Judy Gremmel <judy@gremmel.com>  
**Sent:** Monday, August 25, 2014 1:34 PM  
**To:** Somers, Elaine  
**Subject:** Open Letter to the Armed Services Committee - emergency information

9/1/14 phone call from Judy G.

Hi Elaine,

Do you know a way to get this message through to the Armed Services Committee? They are doubling the number of Growlers over our neighborhoods and probably do not know what is happening on the ground. Probably 600 emails have been sent by various people including this letter with their own stories, but we have no way of knowing if we are getting through. Do you have any ideas?

Thanks,  
Judy Gremmel

## ASC Open Letter

To: Members of both the House and Senate Armed Services Committees

Regarding: Critical information on the abuse and persecution of families living directly under the flight path of Growler jets

Congress has authorized the continual escalation of noise produced by EA-18 Growler jets flying as low as 250 feet over densely populated civilian neighborhoods at the Outlying Field, Coupeville, near the Naval Air Station Whidbey Island. An additional 22 planes have been requested, and 70 more are in the planning stages. That would almost double the number that already constitute a health emergency and life disruption that is indescribable.

An Environmental Impact Study on the Growlers is now underway, but the Navy has demonstrated an inability to police itself, evidenced by the fact that this study would not have been conducted at all if enraged citizens had not brought expensive legal action against the Navy in Federal Court to force its preparation. At its completion, we expect a "No Impact" rubber stamp based on comments already made by the Base Commander expressing the Navy position.

These additional jets will fly over families who already suffer from the worst noise abuse experienced at any air station in the United States because protection recommended by the FAA, EPA, and DoD has been withheld from them in violation of Island County law.

This is what happened:

1. Island County, without sufficient Navy influence used to prevent it, allowed homes to be built in crash zones where the Navy AICUZ says residential use is incompatible. Permits are still issued there.
2. Island County adopted misleading disclosure language for builders which provided no jet noise information at all and the Navy went on record as supporting and recommending it.
3. For 20 years, Whidbey Island realtors used the misleading builder's disclosure for home buyers and renters, instead of the original, legal disclosure used for residences.

4. Civilians, who unknowingly bought property in a crash zone, learned too late that their lives will forever be dictated by the soundtrack of Growler jets circling low overhead, again and again, until they move.
5. A class action law suit is on track to be filed over the next few weeks against real estate companies to recover the loss in property value that will result because the legal disclosure that was reinstated in January will surely alarm new buyers.

This has been the result:

1. The noise zone population has suffered health problems, psychological pain and financial loss.
2. Predictably, these people complained, documented the severe health risks of noise, and protested.
3. Because the deception was hidden and "they were told" was assumed, there has been wide-spread harassment of "complainers" in the community, as well as persecution by leadership at all levels of government and by the military.
4. Decisions continue to be made that dramatically escalate the problem and deny any protection, including the current request to fund 22 additional Growlers with 70 needed beyond that.
5. There is an indication that the EIS now being conducted will be flawed, as evidenced by a recent letter written in June 2014 by the NASWI Base Commander, Captain Nortier to Senator Cantwell's office in response to a constituent complaining about inadequate disclosure. In what appears to be a Navy position statement, he claimed disclosure did indeed occur over the past 20 years, despite well documented information presented to him by the County and numerous citizens in correspondence and one-on-one conversations. He also made a number of additional disturbing comments showing a disregard for both factual information and for noise zone sufferers.

As a member of the Armed Services Committee, you should be aware of the magnitude of this situation. The Noise levels here would break all laws ever devised by county, city, or state governments, as well as laws and guidelines set by OSHA, the FAA, and the EPA. These extreme levels are not even included on most published noise charts. Congress has put the Navy above the law, and total control has led to abuse.

The Armed Services Committee is at a decision point:

1. Could some of the funds being tagged for more planes be used instead to move training to a new or different field that does not entail civilian abuse? We live in the crash zones less than a mile from the OLF Coupeville runway where touch and go operations occur. The field cannot sustain its current use and certainly cannot meet the demands of future defense requirements.
2. Can the United States defend this country AND do so without inflicting harm on its own citizens? We believe both can be done. We are suffering and we need your help!

Limits must be set on military activity. Civilian protection must be funded along with any plans to expand. Congress cannot continue to leave the Navy lawless.

We would appreciate a response on this very important matter.

For an overview and documentation of these issues, see the web site, "Citizens Harmed by Disclosure Deception." For a summary, visit these pages first:

Noise Volume

Noise Annoyance

Stop 22 More Growlers

Health Emergency

Thank you for your consideration.

Respectfully,

Citizens Harmed by Disclosure Deception

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**From:** Somers, Elaine [mailto:somers.elaine@epa.gov]

**Sent:** Monday, March 10, 2014 1:20 PM

**To:** judy@gremmel.com

**Subject:** your phone number

Hello, Judy,

Thank you for your phone message. I want to return your call, but your area code was unclear on the message. Was it 949? 919? Would you mind emailing me your phone number or giving me a call again? Thanks so much!

Elaine

Elaine Somers

US EPA

206-553-2966

Somers.elaine@epa.gov



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

**MAR 13 2014**

Ms. Judy Gremmel  
Citizens Harmed by Deceptive Disclosure  
judy@gremmel.com

Dear Ms. Gremmel:

Thank you for contacting Environmental Protection Agency regarding aircraft noise impacts in your community. I understand that you and your neighbors are experiencing discomfort from noise due to military training flights and have concerns regarding the potential effects of noise on quality of life, health, and economic values. As you may know, the applicable federal law addressing noise is the Noise Control Act and the Quiet Communities Act that amends it. The EPA's role in implementing this law has changed over time, as I will explain below.

In 1972, Congress passed the Noise Control Act which directed the EPA to coordinate Federal agencies' noise research and control programs. This involved a number of activities, including consulting on noise standards or regulations, developing noise criteria and public health protection levels, identifying noise generating products and control techniques, developing noise control regulations for motors, engines, and construction, transportation, electrical, and electronic equipment, and studying airport noise.

When Congress amended the Noise Control Act with the Quiet Communities Act of 1978, their emphasis was upon state and local noise control capabilities. By 1981, the Administration concluded that noise issues were best handled at the state or local government level and in 1982 the EPA's noise program funding was phased out. However, federal noise legislation and regulations remain in effect. The EPA website at <http://www.epa.gov/air/noise.html> provides information and links that may be of some assistance. Your primary sources of information and response lie at the state and local levels, and also with the federal agencies that have direct authority for aircraft noise, including the Federal Aviation Administration and Department of Defense. We offer the following additional resources and contacts that may be of help:

- EPA Office of Air and Radiation, Washington, DC contact to assist you with federal noise regulations: Catrice Jefferson, email: [Jefferson.catrice@epa.gov](mailto:Jefferson.catrice@epa.gov); phone: 202-564-1668
- NAS Whidbey Island comment line for noise complaints: 360-257-6665, or via email: [comments.NASWI@navy.mil](mailto:comments.NASWI@navy.mil)
- Department of Defense: Air Installations Compatible Use Zones Program. April 1977 which can be accessed through <http://nepis.epa.gov>
- Federal Aviation Administration, Aviation Noise Ombudsman, AEE-2, 800 Independence Ave. S.W., Washington, DC 20591; email: [9-AWA-NoiseOmbudsman@faa.gov](mailto:9-AWA-NoiseOmbudsman@faa.gov)
- Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks at <http://www.gpo.gov/fdsys/pkg/FR-1997-04-23/pdf/97-10695.pdf>
- Washington Department of Ecology at <http://www.ecy.wa.gov/laws-rules/noise.html>

EPA Region 10 recently submitted scoping comments in response to the U.S. Navy's Notice of Intent to prepare an environmental impact statement for a proposed increase in Growler aircraft at NAS Whidbey Island. Our comments included recommendations regarding analysis of potential noise impacts. We would be happy to share the letter upon request. Please feel free to contact Elaine Somers of my staff at 206-553-2966 or via electronic mail at [somers.elaine@epa.gov](mailto:somers.elaine@epa.gov) if you would like more information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran", written in a cursive style.

Dennis J. McLerran  
Regional Administrator

Sand winters associated w/ 2012  
Widbey Island Naval aircraft.

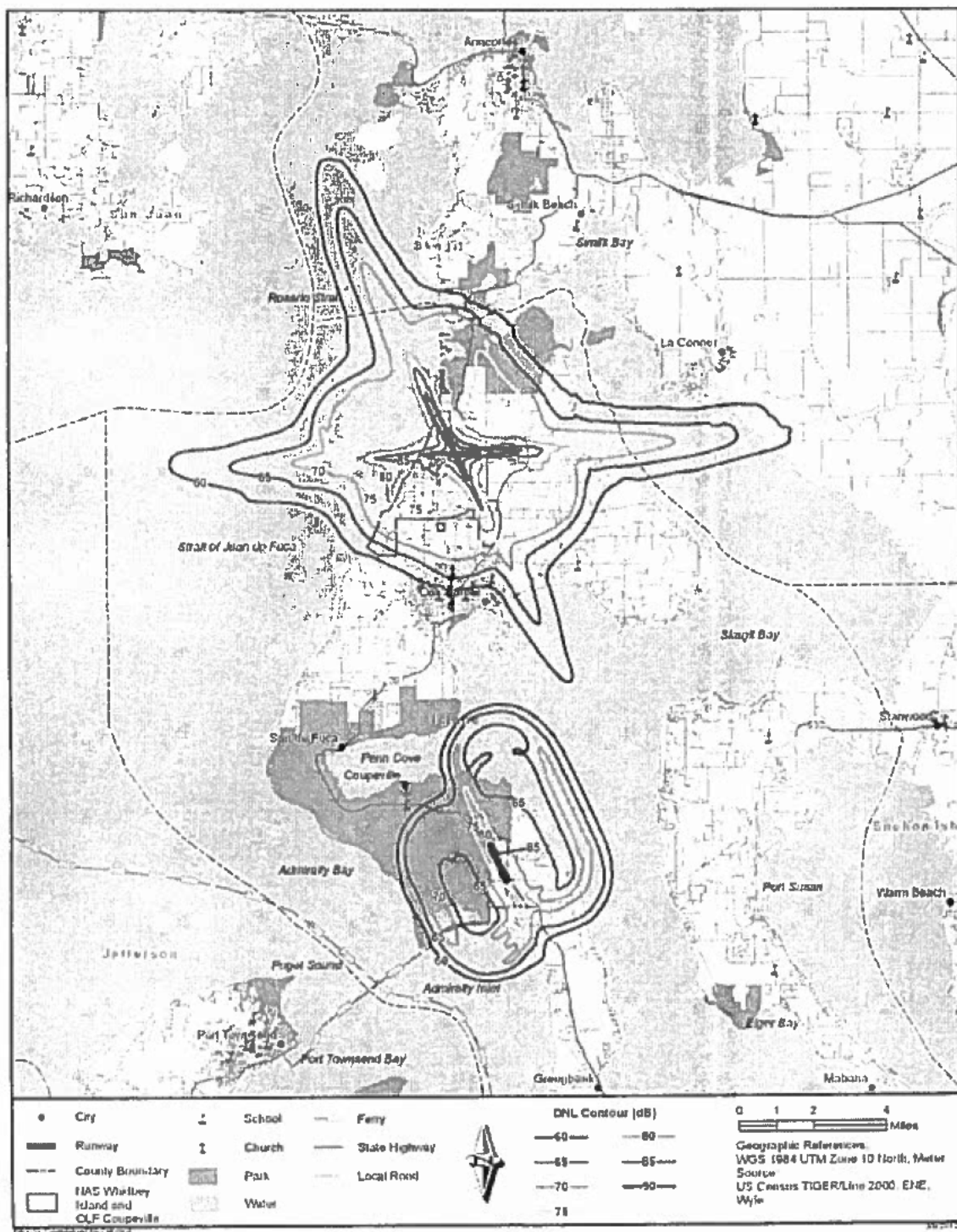
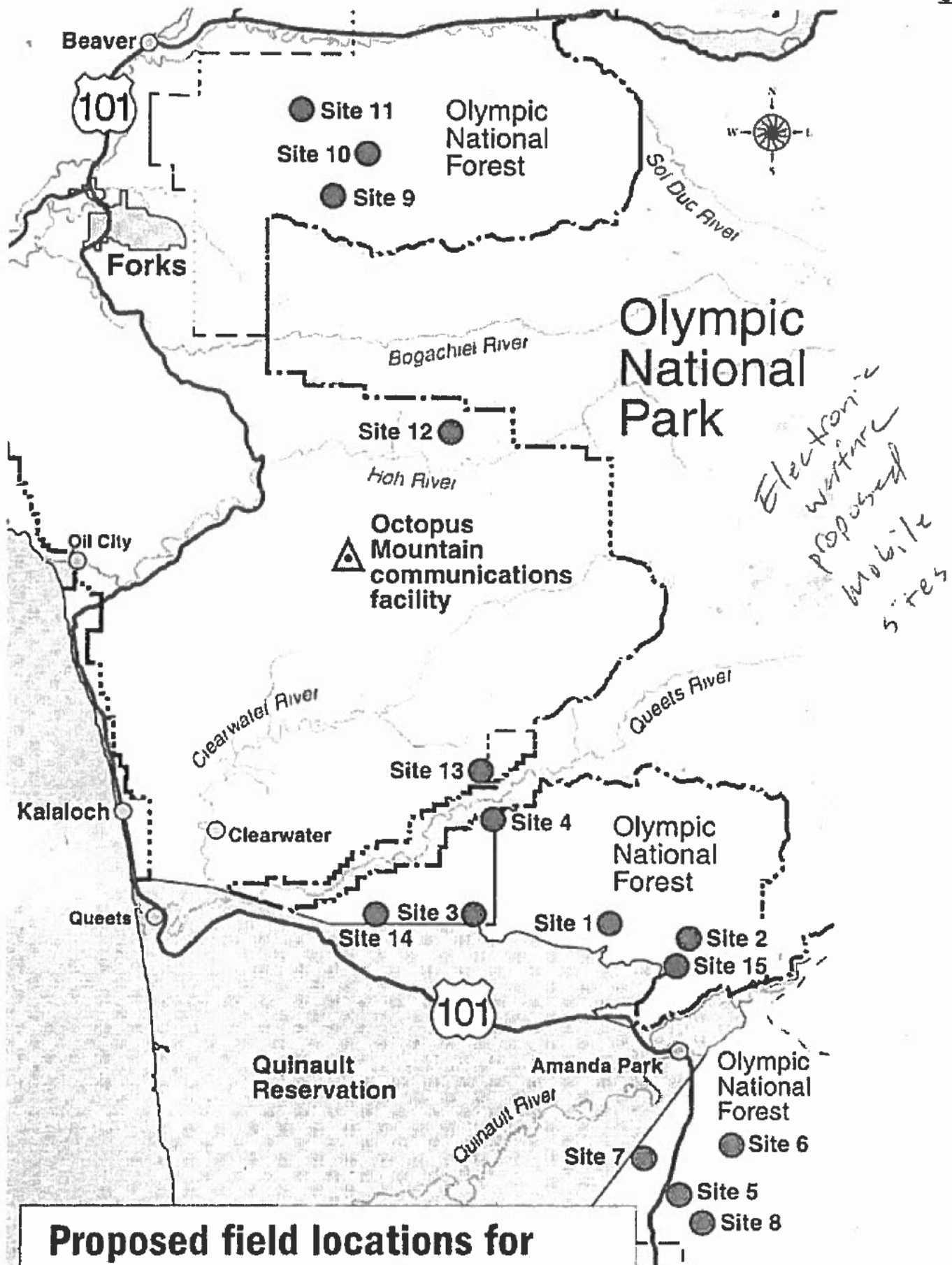


Figure 6-1 DNL Contours for the Cumulative Scenario AAD Aircraft Operations





## Mobile Emitter Truck

admin | November 17th, 2014 | COMMENTS: Closed

Mobile Emitter Truck Published November 17, 2014 in OFCO Opposes the Pacific Northwest Electronic Warfare Range



Mobile Emitter Truck as depicted in EA graphics

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2/2/2015

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## Navy electronic warfare training

Copyright Peninsula Daily News

9-8-14

Judy Gremmel  
NAS Whidbey Noise from Growlers

John McCain - Secy of Navy  
asked for investigation of their  
allegations

Carson - Mr. "I don't care."

since June, haven't been flying

Captain's — base commander

Q: send her the NAS Whidbey 3-5-14

Catrice Jefferson, HQ - Noise

209 - proposed rule re. <sup>reg</sup> 85-01 - still isn't final  
lung protection devices

wind  
mills  
turbines  
- vibrates  
a prob  
- in proximity  
to homes

cease resp <sup>use</sup> to all noise  
inquiries

Fed govt has never been involved  
any Congress & st & local govt

EPA has never been involved

Q: DOD noise - who resp?

A: gunfire - referred to DOD  
no reply

Airport noise - Ken Mittelbach - <sup>now</sup> retired  
OFA

- was resp.

retired  
in 2010 -

James Gavin - now  
airport noise

Chair  
↓  
Congress  
↓  
Noise \$

will update website in future

Congress defunded the Noise OGC  
- decision from Congress

vibrates  
2005  
Cong.  
comment  
train  
RR noise  
Lewick  
Teaneck



